IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1995 OF 2006

Ram Bhagatram Sadhwani &
Mohan Mukhi .. Applicants
Versus
The State of Maharashtra .. Respondent

Mr.Harshad Bhadbhade for applicants
Ms.R.M.Gadhvi, A.P.P. for State.

WITH

CRIMINAL APPLICATION NO.2455 OF 2006

Nandlal Gangumal Mansinghani .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Navin Chomal for applicant
Ms.R.M.Gadhvi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd August 2006

P.C.

. These are applications filed by three accused who are apprehending arrest in the same C.R.

2. It appears that on 22nd May 2006, an order was passed by this Court directing that the applicants be released on interim bail.

3. I am informed by both sides that this is an ad-interim order and, thereafter the application was placed before this Court from time to time.

4. There is a direction to attend, issued in this matter on 5th June 2006 and subsequently, even in the month of August 2006. In the meanwhile, this Court has noted certain aspects of the matter including that the Administrator, upon scrutiny and verification of the accounts and records, has taken certain steps. He was directed to be impleaded as party to this

application and notice was issued to him.

5. After these applications were placed before me, none dispute that the applicants have reported to the I.O. on the dates mentioned in the orders passed by this Court.

6. Mr.Bhadbhade and Mr.Chomal both contend that once a protection has been granted by this Court in May 2006 and the same is continuing till date, so also, the applicants are reporting as directed, then, this is a fit case for enlarging them on bail in the event of their arrest in the subject C.R. Now custodial interrogation is not necessary, more so, when the Administrator has already taken possession of the records and the applicants have cooperated in the investigation till date. Both submit that the applicants would continue to cooperate in the investigation.

7. Learned A.P.P. on the other hand submits

that after the applicants have attended and investigations have progressed further, the Administrator has pointed out as to how one Ram Sadhwani, applicant No.1 in Application No.1995 of 2006 has misused his office as Chairman of the society and has lifted an amount to the extent of Rs.2 Crores, which is much more than the sanctioned sum. Thus, there is cheating of the society. He points out that the amount has been misused and misappropriated.

8. In my view, the applicants have been protected from May 2006. Now, that the Administrator is appointed and records are with him, so also all documents being in his custody, the protection granted by this Court deserves to be continued till the charge sheet is filed. This order is passed because of the fact that the applicants have pointed out that they have been attending the office of the concerned I.O. who has interrogated them in the presence of the

Administrator. They are also agreeable to attend for such further period as this Court deems fit and proper.

9. In such circumstances, both the applications deserve to be granted. The matter is pertaining to affairs of society of which they have been office bearers. Some of the applicants have been denying the fact that they have borrowed the sums or have guaranteed repayment thereof. Ends of justice, would, therefore, be met, if the applicants are granted anticipatory bail in the event of their arrest in subject C.R. Hence following order:-

i) In the event of the arrest of the applicants (1) Ram Bhagatram Sadhwani, (2) Mohan Tarachand Mukhi and (3) Nandalal Gangumal Mansinghani in connection with C.R.No.143 2006 registered with Nashik Road Police

Station the applicants shall be enlarged on bail in the sum of Rs.50,000/- each with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the Crime Branch, Nashik, once a week on every Saturday between 11.00 a.m. and 1.00 p.m.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicants shall not tamper with the prosecution

evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)